

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
December 18, 2020
9:00 a.m.

(File 1)

Chair Nathan Sosa called the meeting to order at 9:00 a.m. The meeting was held by video conference in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE Salem, Oregon. Commissioner Dave Fiskum was present. Commissioners participating by video conference were Chair Nathan Sosa, Dan Mason, Charles Starr, Karly Edwards, Anna Sortun, Shawn Lindsay, Sean O'Day and Amber Hollister. OGE Council Josh Nasbe also joined by video conference. Staff present were Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, Investigator Lisa Christon, and Trainer Monica Walker.

AGENDA ITEM 1, Comments from the Chair. General discussion regarding the meeting format.

AGENDA ITEM 2, Approval of minutes of the November 6, 2020 Commission meeting. The minutes were approved without correction.

The Commission convened into executive session at 9:03 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d), ORS 192.685(1), and ORS 171.778(4)(d) and to conduct the annual Executive Director performance review pursuant to ORS 192.660(2)(i).

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(All items removed from consent calendar for discussion.)

End of Executive Session Consent Calendar.

OTHER ITEMS

Reports of Preliminary Reviews
(removed from consent calendar)

(File 2)

AGENDA ITEM 16, 20-215ESM, Chris Boice, Commissioner, Douglas County. Myers summarized the case. Boice addressed the Commission by telephone. The Commission

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discussed the matter. Fiskum moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sortun, aye; Hollister, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 17, 20-216ESM, Tim Freeman, Commissioner, Douglas County. Myers summarized the case. Freeman addressed the Commission by telephone. The Commission discussed the matter. Fiskum moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 23, 20-234ESM, Carol Harlan, Board of Directors, Sheridan Rural Fire Protection District. Myers summarized the case. Harlan addressed the Commission by telephone. The Commission discussed the matter. Fiskum moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 15, 20-197LSM, Jeff Anderson, Lobbyist. Myers summarized the case. The Commission discussed the matter. Fiskum moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 171 or warrant further review and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, abstained; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 8–0 with 1 abstention.

AGENDA ITEM 18, 20-223XLC, Reggie Butler, Jr.

AGENDA ITEM 19, 20-224XLC, Ron Hervey

AGENDA ITEM 20, 20-225XLC, Dixie Morford

AGENDA ITEM 21, 20-226XLC, Rick Olson

AGENDA ITEM 22, 20-227XLC, Pattie Skauge

Board of Directors, Siletz Rural Fire Protection District

Christon summarized the cases. The Commission discussed the matter. Respondents did not address the Commission.

Item #18: Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Reggie Butler, Jr. may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

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Item #19: Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Ron Hervey may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

Item #20: Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Dixie Morford may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

Item #21: Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Rick Olson may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

Item #22: Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Pattie Skauge may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

Own Motion Preliminary Reviews

None.

Other Items

(File 3)

AGENDA ITEM 24, Executive Director Performance Review.

Commission recessed at 10:19 a.m. and reconvened into regular session at 10:26 a.m.

CONSENT CALENDAR

Lobbyist Penalty Correspondence

None.

Lobbyist Client Penalty Correspondence

None.

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SEI Penalty Correspondence

None.

End of Consent Calendar

Lobbyist Client Penalty Correspondence

(File 4)

AGENDA ITEM 3, The Conservation Angler, Q1 2018, \$10; Q3 2018 \$150; Q4 2018, \$10; Q1 2019, \$80; Q3 2019, \$20; Q3 2020, \$140. Bersin summarized and the Commission briefly discussed the matter. Fiskum moved that the Commission adopt the Executive Director's recommendation of no reduction in accrued penalties. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

STIPULATED FINAL ORDERS

AGENDA ITEM 4, 20-088XSM, Gary DeSimone

AGENDA ITEM 5, 20-089XSM, Wade Avery

AGENDA ITEM 6, 20-090XSM, Craig Hamm

AGENDA ITEM 7, 20-091XSM, Sandy Shaffer

AGENDA ITEM 8, 20-092XSM, Michael Parker

Board of Directors, Applegate Valley Rural Fire Protection District. Myers summarized the cases. Respondents did not address the Commission.

Item #4: Fiskum moved that the Commission accept the proposed Stipulated Final Order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

Item #5: Fiskum moved that the Commission accept the proposed Stipulated Final Order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

Item #6: Fiskum moved that the Commission accept the proposed Stipulated Final Order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

Item #7: Fiskum moved that the Commission accept the proposed Stipulated Final Order as the final order in this matter and that the chairperson be authorized to sign it as such.

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Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

Item #8: Fiskum moved that the Commission accept the proposed Stipulated Final Order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

REPORTS OF INVESTIGATIONS

None.

DEFAULT FINAL ORDERS

None.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

The Commission reviewed the following without comment unless otherwise noted:

Staff Opinions

(non-action, informational only items)

None.

Staff Advice

(non-action, information only items)

AGENDA ITEM 9, 20-230I, Melanie Doolin, HR/Offender Services Manager, Dept. of Corrections re Administrator of Oregon Corrections Enterprises and his position as a member of the board of directors for a non-profit.

AGENDA ITEM 10, 20-238I, Yuriy Ukhach, City Recorder, City of Tillamook re City Council member and spouse who is an employee of the City of Tillamook.

Other Correspondence

(non-action, informational only items)

None.

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MISCELLANEOUS ITEMS

AGENDA ITEM 11, Trainers' Report. Maison summarized the training efforts. Walker addressed change to meeting software/platform, with more information coming.

AGENDA ITEM 12, Executive Director's Report.

Lutz announced that she's retiring at the end of 2020.

Bersin reviewed the following:

- 19-21 Budget update. Covid-19 expenses: no additional limitation needed.
- Governor's Recommended Budget discussion: full document forthcoming.
- Discussion re current litigation
- Legislative Concepts, discussion.

Fiskum offered additional thanks to Lutz for her years of service.

AGENDA ITEM 13, Election of Chair and Vice-Chair for 2021.

- Fiskum nominated Mason for Chair
Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.
- O'Day nominated Fiskum for Vice-Chair
Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 14, Request for Special Merit Increase for Executive Director Bersin. Fiskum moved approval for a special merit increase for Bersin. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Hollister, aye; O'Day, aye; Sosa, aye. Motion passed 9 – 0.

Chair Sosa commented on his experience as this past year's Commission Chair.

Chair Sosa adjourned the meeting at 11:02 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for FRIDAY, January 29, 2021, at 9:00 a.m. The meeting will be held in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, in Salem, Oregon, and will be conducted via video conference.

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